

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

RALPH STRANO, individually and on behalf of all others similarly situated,

Plaintiff,

v.

KIPLINGER WASHINGTON
EDITORS, INC,

Defendant.

Case No. 21-cv-12987-TLL-PTM

**STIPULATED ORDER TO DENY MOTION FOR SUMMARY
JUDGMENT AS MOOT AND STAY ACTION FOR SETTLEMENT
NEGOTIATIONS**

Plaintiff Ralph Strano and Defendant Kiplinger Washington Editors, Inc. (“Kiplinger,” together with Plaintiff, the “Parties”) state as follows:

WHEREAS, on December 22, 2021, former plaintiff Jay Ketover filed a Class Action Complaint (ECF No. 1);

WHEREAS, on February 18, 2022, Plaintiff filed the operative First Amended Class Action Complaint (“FAC”) substituting himself as the named plaintiff in this putative class action in place of Mr. Ketover, and removing Mr. Ketover from the case (ECF No. 9);

WHEREAS, on February 25, 2022, Kiplinger filed a motion for summary judgment as to Mr. Ketover’s claim only (ECF No. 10);

WHEREAS, the Parties wish to pursue resolution of this action through private negotiations;

WHEREAS, the Parties believe that judicial economy and the interests of the Parties would be served by a stay of this action while the Parties engage in private negotiations;

WHEREAS, the Parties, by and through their counsel, stipulate that the FAC is deemed the operative complaint in this action pursuant to Fed. R. Civ. P. 15;

WHEREAS, the Parties, by and through their counsel, stipulate that Mr. Ketover's individual claim is dismissed without prejudice pursuant to Fed. R. Civ. P. 41;

WHEREAS, the Parties, by and through their counsel, stipulate to an Order denying the motion for summary judgment (ECF No. 10) as moot, and staying the action while the Parties engage in private negotiations;

WHEREAS, no later than 45 days from the date of this Order, the Parties shall file a joint status report to update the Court on the status of their settlement negotiations ("Joint Status Report"), including whether a date should be set for Defendant to answer or otherwise respond to the FAC; and

Accordingly, it is **ORDERED** that:

1. This action is stayed for all purposes so that the Parties may attempt to resolve this action through private negotiations;

2. The First Amended Class Action Complaint (ECF No. 9) is deemed the operative complaint in this action pursuant to Fed. R. Civ. P. 15;
3. Former plaintiff Jay Ketover's individual claim is voluntarily dismissed without prejudice pursuant to Fed. R. Civ. P. 41;
4. Kiplinger's motion for summary judgment (ECF No. 10) is denied without prejudice as moot;
5. The Parties shall file a Joint Status Report to update the Court on the status of their settlement negotiations, including whether a date should be set for Defendant to answer or otherwise respond to the First Amended Class Action Complaint no later than 45 days from the date of this Order. •

SO ORDERED.

Dated: March 7, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

STIPULATED AND AGREED:

/s/ E. Powell Miller

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Dated: March 4, 2022